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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,269	10/07/2003	Tyler J. Dembicks	6053-94	6354

30448 7590 12/30/2004

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EXAMINER
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SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/680,269

Applicant(s)

DEMBICKS, TYLER J.

Examiner

Robert J. Sandy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Objections***

Claims 5-9 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In each of claims 5-9 and 14, the subject matter pertaining to: “wherein the at least one pin extending from the at least one body extends generally parallel to a longitudinal axis of the body” (claim 5); “wherein the at least one pin has a diameter between about 0.015 of an inch and about 0.045 of an inch” (claim 6); “wherein the at least one pin has a diameter of about 0.03 of an inch”; “wherein the at least one pin extends from the crimp between about 0.5 of an inch and about one inch.” (claim 8); “wherein the at least one pin extends from the crimp between about 0.75 of an inch.” (claim 9); and “wherein the at least one pin comprises at least one of stainless steel and copper.” (claim 14) does not further limit the claimed subcombination of a “crimp” where the “at least one pin” is recited as an intended use article of the claimed crimp as evidenced by the phrase “adapted to receive at least one pin \* \* \*

“ in claim 1, line 4.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 1, recitation of “the at least one cavity” renders the claim indefinite since the phrase does not distinguish between the subject matter of the *at least one cavity of the body* and *the at least one pin cavity*.

In claim 22, the phrase “between about 0.75 of an inch” is incomplete since another data point is not provided in order to establish range for the pin to extend from the crimp.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13, 14, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole (U. S. Patent No. 291,693). Cole ('693) discloses a crimp (See Figs. 1, 3 and 4 provided on the following page) comprising: a body (*A*) having at least one cavity extending through the body and adapted to receive at least two diameters of a line (*B*); and adapted to receive at least one pin extending from the at least one body;

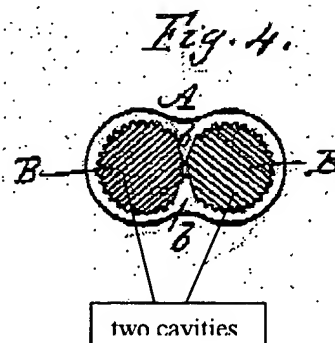
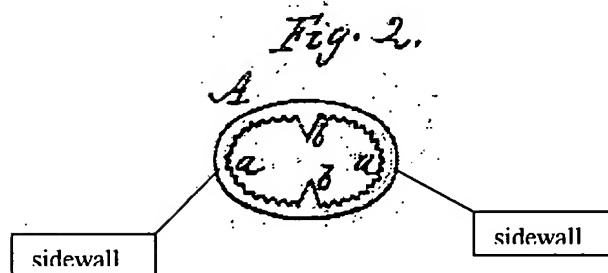
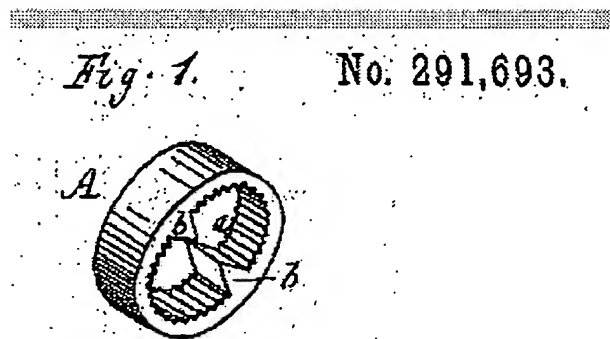
(concerning claims 2 and 28) the at least one cavity extending through the body comprises two opposing sidewalls (see Fig. 1 provided herein) shaped to receive two diameters of a line having a substantially cylindrical cross-section;

(concerning claims 3 and 29) each of the two opposing sidewalls comprise at least one protrusion (*b*) for positioning a generally cylindrical line in the at least one cavity.

(concerning claims 4 and 30) two cavities are shown in Fig. 4;

(concerning claims 5-9 and 14) the crimp is capable to receive at least one pin, wherein "wherein the at least one pin extending from the at least one body extends generally parallel to a longitudinal axis of the body" (claim 5); "wherein the at least one pin has a diameter between about 0.015 of an inch and about 0.045 of an inch" (claim 6); "wherein the at least one pin has a diameter of about 0.03 of an inch"; "wherein the at least one pin extends from the crimp between about 0.5 of an inch and about one inch" (claim 8); "wherein the at least one pin extends from the crimp between about 0.75 of an inch" (claim 9); and "wherein the at least one pin comprises at least one of stainless steel and copper" (claim 14); and

(concerning claim 13) further comprising at least one cavity (the other one of the two cavities shown in Fig. 4) for receiving the at least one pin.



Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Luongo (U. S. Patent No. 3,916,517). Luongo ('517) discloses crimp (see Fig. 1-7), comprising: a body (20) having at least one cavity extending through the body, wherein the at least one cavity is formed from at least two opposing sidewalls shaped to receive at least two diameters of a line (elements 24); at least one pin cavity adapted to receive a pin; and at least one pin (28) in the at least one pin cavity and extending from the at least one body;

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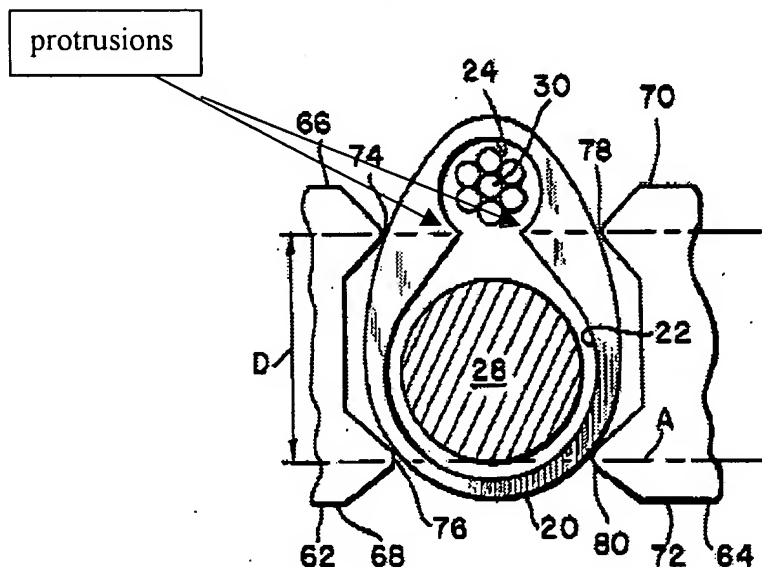
(concerning claim 16) each of the two opposing sidewalls comprise at least one protrusion (see Fig. 6 herein) for positioning a generally cylindrical line in the at least one cavity;

(concerning claim 17) the at least one cavity comprises two cavities having substantially cylindrical cross-sections;

(concerning claim 18) the at least one pin extending from the at least one body extends generally parallel to a longitudinal axis of the body (see Fig. 1); and

(concerning claim 25) the body comprises at least one of aluminum , bronze and stainless steel (see col. 2, line 62, "bronze, aluminum").

## U.S. Patent 3,916,517



**FIG. 6**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole ('693). Cole discloses the claimed crimp except for wherein:

(concerning claim 10) wherein the body has a length between about 0.25 of an inch and 1.0 inch; and (concerning claim 11) wherein the body has a length of about 0.35 of an inch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the body to have a length between about 0.25 of an inch and 1.0 inch; and wherein the body has a length of about 0.35 of an inch since a change in, or determination of a size is generally within routine skill in the art adequate for the claimed device to perform its structural purpose of securing an article, or a plurality of article in the cavities.

Claims 12 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole ('693) in view of Schrader et al. (U. S. Patent No. 5, 162,615). Cole ('693) discloses the claimed crimp except for wherein the body is comprised of at least one of aluminum, bronze and stainless steel. Schrader et al. ('615) shows a crimp having a body made of "an aluminum based material" (col. 3, line 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the body of the crimp disclosed by Cole ('693) of aluminum, as taught by Schrader et al. ('615) since Schrader et al. recognized that aluminum is a well known material for used for extrusion-form crimps and is easily malleable.

Claims 19-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luongo ('517).

Concerning claims 19 and 20, Luongo ('517) discloses the claimed crimp except for wherein: the at least one pin has a diameter between about 0.015 of an inch and about 0.045 of an inch; and wherein the at least one pin has a diameter of about 0.03 of an inch. It would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have had the at least one pin, of the crimp of Luongo ('517), to have a diameter between about 0.015 of an inch and about 0.045 of an inch, and/or of about 0.03 of an inch since applicant has not disclosed that these specific pin diameters solves any stated problem or is of

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any particular purpose, and a determining a size of a component in an assembly is generally recognized as being within the level of ordinary skill in the art.

Concerning claims 21 and 22, Luongo ('517) discloses the claimed crimp except for: wherein the at least one pin extends from the crimp between about 0.5 of an inch and about one inch; and/or wherein the at least one pin extends from the crimp between about 0.75 of an inch. It would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have had the at least one pin, of the crimp of Luongo ('517), to have extend from the crimp between about 0.5 of an inch and about one inch; and/or about 0.75 of an inch. since applicant has not disclosed that these specific pin extension lengths solves any stated problem or is of any particular purpose.

Concerning claims 23 and 24, Luongo ('517) discloses the claimed crimp except for: wherein the body has a Length between about 0.25 of an inch and 1.0 inch; and wherein the body has a length of about 0.35 of an inch. It would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have had the length of the body, of the crimp of Luongo ('517), to be between about 0.25 of an inch and 1.0 inch; and/or about 0.35 of an inch,

Concerning claim 26, Luongo ('517) discloses the claimed crimp except for: wherein the at least one pin comprises at least one of copper and stainless steel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the pin of Luongo ('517) of a copper, or stainless steel material since applicant has not disclosed that these materials solves any stated problem or is of any particular purpose, and it appears that having the pin of at least of a copper material would operate the pin as an conductor, or of stainless steel material would enhance the pin to be resistant to corrosion.



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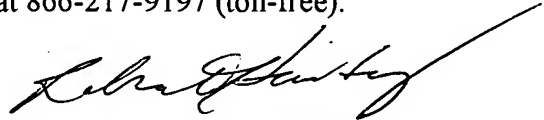
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY  
PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677